

CHAPTER 15 ADVERTISE AND AWARD PROJECT**CONTENTS**

Section	Subject	Page Number
15.1	INTRODUCTION	15-1
15.2	DEFINITION OF TERMS	15-2
15.3	APPROVAL FOR LOCAL AGENCY TO ADMINISTER PROJECTS	15-5
	Major NHS Projects	15-5
	All Other Projects	15-6
15.4	PROJECT ADVERTISEMENT	15-6
	Introduction	15-6
	Procedures	15-7
15.5	CONTRACT BID OPENING	15-8
	Introduction	15-8
	Requirements	15-8
	Procedures	15-9
15.6	CONTRACT AWARD	15-11
	Introduction	15-11
	Bid Analysis Process	15-11
	Award Procedures	15-13
	Post-Award Reviews	15-13
	Termination Of Contracts	15-14
15.7	AWARD PACKAGE	15-15
15.8	REFERENCES	15-16

FLOW CHARTS

Chart	Description	Page Number
15-1	ADVERTISE & AWARD PROJECT	15-1

EXHIBITS

Exhibit	Description	Page Number
15-A	LOCAL AGENCY CONSTRUCTION CONTRACT ADMINISTRATION CHECKLIST	15-17
15-B	RESIDENT ENGINEER'S CONSTRUCTION CONTRACT ADMINISTRATION CHECKLIST	15-19

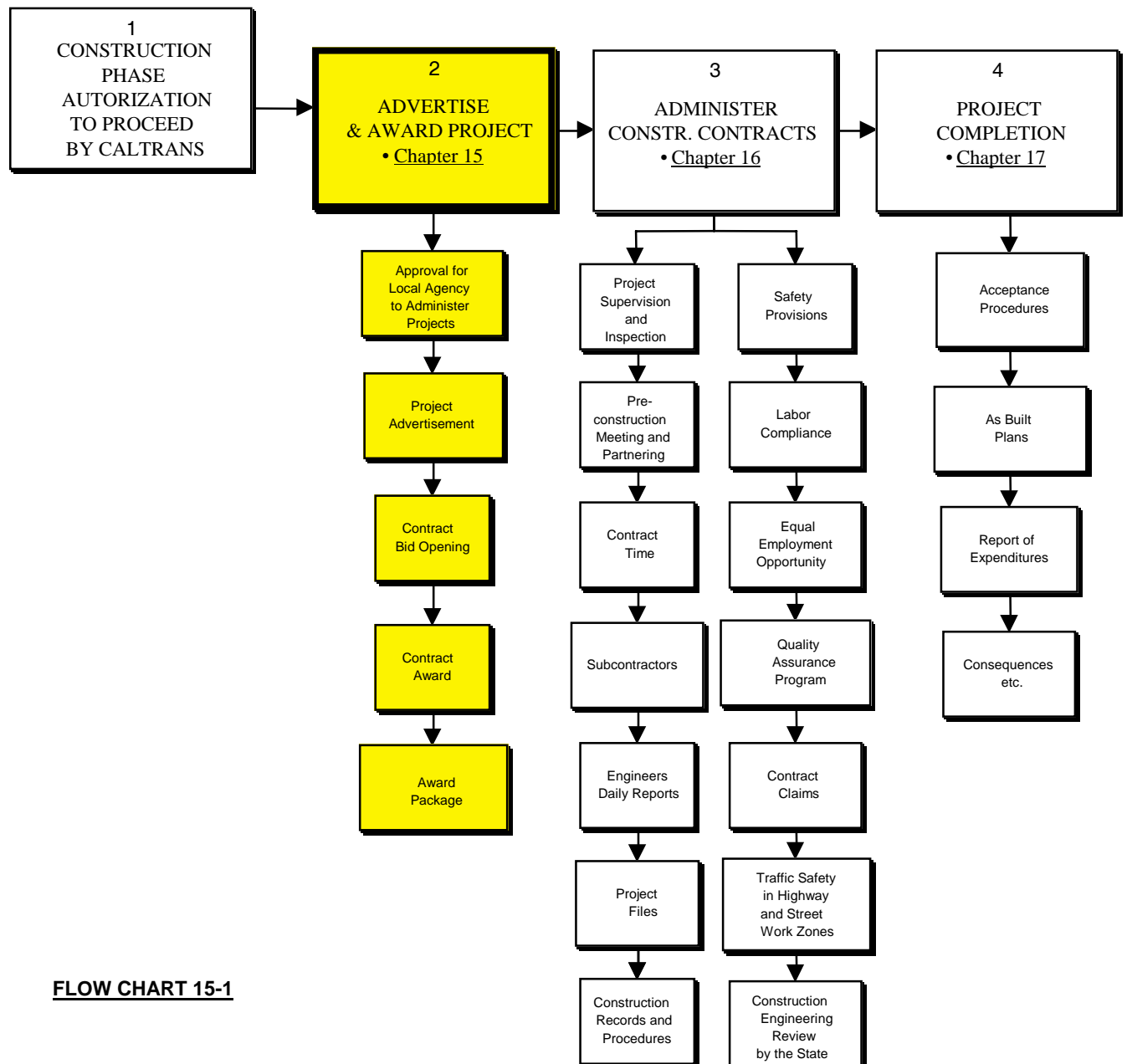
EXHIBITS CONTINUED

Exhibit	Description	Page Number
15-C	LOCAL AGENCY PROJECT ADVERTISING CHECKLIST	15-23
15-D	BID TABULATION SUMMARY SHEET (SAMPLE)	15-25
15-E	NATIONAL HIGHWAY SYSTEM BID TABULATION DATA	15-27
15-F	BID PRICE DATA	15-29
15-G	LOCAL AGENCY BIDDER DBE INFORMATION	15-31
15-H	GOOD FAITH EFFORT STATEMENT OF DBE PARTICIPATION	15-33
15-I	LOCAL AGENCY BID OPENING CHECKLIST	15-35
15-J	BLANK – FOR FUTURE USE	15-37
15-K	BLANK – FOR FUTURE USE	15-39
15-L	LOCAL AGENCY CONTRACT AWARD CHECKLIST	15-41
15-M	DETAIL ESTIMATE	15-43
15-N	FINANCE LETTER	15-47

CHAPTER 15 ADVERTISE AND AWARD PROJECT

15.1 INTRODUCTION

This chapter, Chapter 16, “Administer Construction Contract,” and Chapter 17, “Project Completion,” are for use by local agencies who administer federal-aid construction projects under an “Administering Agency-State Agreement.” These three chapters replace the previously issued *Local Programs Manual, Volume II*, titled “Contract Administration Procedures.” When a locally sponsored project funded with federal-aid is within the State right of way (R/W) and the State (Caltrans) is the administering agency, the State’s *Construction Manual* is normally used.



FLOW CHART 15-1

This chapter covers the activities beginning with advertising of a construction contract and continuing through the bid opening, award, and detail estimate procedures. It has been prepared mainly as a guide for administration of federal-aid contracts by local agencies. Each local agency Resident Engineer should be familiar with the contents of this chapter, Chapter 16, and 17 before administering such contracts.

Note: Procedures for locally administered projects within the State right of way shall also be in accordance with the *Special Funded Programs-Procedures Manual*.

15.2 DEFINITION OF TERMS

- AASHTO - American Association of State Highway and Transportation Officials
- ASTM - American Society for Testing and Materials
- Administering agency - The State, city, county, or other local public agency which advertises, opens bids, and awards the contract (also called responsible agency)
- Bid rigging - a conspiracy to disrupt or circumvent the competitive environment by establishing a competitive advantage for certain bidders.
- CCO - Contract Change Order
- CE - Construction Engineering. The supervision and inspection of construction activities; additional staking functions considered necessary for effective control of the construction operations; testing materials incorporated into construction; checking shop drawings; and measurements needed for the preparation of pay estimates.
- CFR - Code of Federal Regulations
- Contingencies - An amount of funds usually a small percentage of the detail estimate, set aside for unforeseen items or quantities of work not specified in the contract documents, but required to complete the project. The percentage used for contingencies varies depending on the type and scope of work.
- Contract Administration - Includes advertising, opening bids, award, and execution of the contract; control of work and material; and making payments to the contractor.
- Contractor - The person or persons, firm, partnership, corporation, or combination thereof, who have entered into a contract with the administering agency, as party or parties of the second part of his/her or their legal representatives.
- DBE - Disadvantaged Business Enterprise (includes Women-owned Business Enterprise (WBE) and Minority-owned Business Enterprise (MBE)). The breakdown of different Business Enterprise descriptions is due to the difference between the State and federal requirements
- Department - The Department of Transportation of the State of California, as created by law; also referred to as Caltrans, the Department of Transportation, or State.

- District - The subdivision of the Department of Transportation organized to administer the affairs of the Department relating directly to the local agency; also referred to as Transportation District.
- DLAE - District Local Assistance Engineer - District Engineer responsible for liaison with local agencies.
- EA - Expenditure Authorization number
- EEO - Equal Employment Opportunity
- ER - Emergency Relief
- Exempt Project - A classification for federal-aid projects which are exempt from FHWA review and oversight required by *Title 23 Code of Federal Regulations*. For exempt federal-aid projects the FHWA and Caltrans exercises the maximum degree of delegation of authority to local agencies (see Chapter 2, Section 2.4, "Stewardship - Letters of Agreement").
- Finance Letter - A document required by local programs accounting (see Exhibit 15-N) and submitted by the administering agency to Caltrans with information required as backup for the federal-aid/State project agreement.
- FTIP - Federal Transportation Improvement Program
- FNM-76 - Federal-aid Program Document titled: "Request for Approval to Proceed" Form FNM-76
- FSTIP - Federal Statewide Transportation Improvement Program
- FHWA - Federal Highway Administration
- HPMS - Highway Performance Monitoring System
- Headquarters - The Headquarters office of the Department of Transportation; also referred to as Transportation headquarters (1120 "N" Street, Sacramento, CA 94274-0001).
- ISTEA - Intermodal Surface Transportation Efficiency Act of 1991
- Invoice - A detailed list of expenditures that an administering agency requests reimbursement for with federal funds, pursuant to the Local Agency-State Agreement (see Chapter 16, Exhibit 16-L, "Federal-aid Invoice")
- LAAPS - Local Agency Automated Pay System
- LRH - Last Resort Housing
- Local agency - A city, county, or other local public agency

- Local Agency-State Agreement - Agreement between the State and local agency. Generally refers to the Master agreement and all supplemental agreements (Program Supplements) to the master agreements. These agreements are required for the State to provide reimbursement to the local agency for all federal-aid projects.
- Locode - Numeric identifier for each local agency or administering agency (assigned by the Office of Local Programs).
- LPP - Local Programs Procedures. A distribution of procedures from the Office of Local Programs. Each Procedure is numbered sequentially with the prefix being the year of distribution.
- MBE - Minority Business Enterprise
- MPO - Metropolitan Planning Organization
- MWBE - Minority Women-owned Business Enterprise
- NHS - National Highway System - A specially Designated Highway System established by the Intermodal Surface Transportation and Efficiency Act of 1991 and adopted by the United States Congress.
- OLP - Office of Local Programs (Caltrans headquarters unit only)
- Office Engineer - Chief of the Headquarters or District Office of Office Engineer. The office engineering unit is responsible for insuring that the PS&E is complete, biddable and buildable
- PS&E - Plans, Specifications, and Estimate
- PE - Preliminary Engineering. Location, design, and related work preparatory to the advancement of a project to physical construction.
- PR-2 - Federal-aid Project agreement (between the State and Federal Highway Administration). This agreement is required for the State to receive federal funds used to reimburse the local agency.
- PR-2A - Modification of Federal-aid Project agreement (Form PR-2A)
- Prequalification - The AASHTO defines prequalification as a means of predetermining job experience and work capacity and to identify individuals and organizations from whom the agency may accept a bid. The AASHTO also has encouraged the use of prequalification procedures in its 1981 Suggested Guidelines for Strengthening Bidding and Contract Procedures.
- RAP - Relocation Assistance Program

- Report of Expenditures - Collectively refers to the following final report documents: Final Inspection of Federal-aid Project (FIF 7/96), Final Invoice, Final Detail Estimate, Change Order Summary (containing liquidated damages/contractor's claims, date of completion, date of acceptance by City or County), Final Report Utilization of Disadvantaged Business Enterprise (DBE), Materials Certificate, and Report of Completion of Structures if bridges were constructed.
- Resident Engineer - A qualified Engineer who is empowered to administer the contract.
- S&H Code - California Streets and Highways Code
- SHA - State Highway Agency (Caltrans)
- Supplemental Work - Work that is anticipated but because of its uncertainty, cannot be included as a contract item e.g., additional staking, utility work, etc. If supplemental work is determined to be needed, a change order is required to include it in the contract. This work should normally be part of the contingencies.
- Surety - A security against loss or damage or for the fulfillment of contract obligation, bond
- WBE - Women-owned Business Enterprise
- WWBE - White Women-owned Business Enterprise

15.3 APPROVAL FOR LOCAL AGENCY TO ADMINISTER PROJECTS

MAJOR NHS PROJECTS

Caltrans must approve the local agency's construction administration procedures before a local agency can advertise the construction of a federally financed major NHS project (see Chapter 7 "Field Reviews" for the determination by the DLAE of which NHS projects will be considered major). The procedures should be discussed in general at the field review and detailed written procedures shall be approved by the DLAE before the local agency will be allowed to administer any construction contracts for the project. **Additionally, a local agency shall not advertise the project until it has received in writing an "Authorization to Proceed" with construction from Caltrans (see Chapter 3, "Project Authorization").**

The written construction administration procedures should cover the following items:

- Construction Management personnel and procedures
- Consultant use and selection
- Project advertisement, bid opening and award procedures
- Pre-Construction Procedures
- Subcontracting
- Project DBE good faith determination and monitoring
- Traffic Safety procedures
- Materials Testing

- Change order review and approval procedures
- Oversight procedures if a State highway is involved
- Maintenance of records and Access
- Estimates and Progress Payment

The DLAE will consult with Headquarters OLP for assistance with the review and approval of the local agency procedures.

ALL OTHER PROJECTS

Approval by Caltrans of the local agency's construction administration procedures will not be required for all other projects. However, each agency that administers a federal-aid construction project will be required to complete a "Local Agency Construction Contract Administration Checklist" (Exhibit 15-A) before their "Request for Authorization to Proceed with Construction" will be approved. **A local agency shall not advertise a project until it has received in writing an "Authorization to Proceed" with construction from Caltrans (see Chapter 3, "Project Authorization").**

15.4 PROJECT ADVERTISEMENT

INTRODUCTION

Project advertisement may be "locally administered" or "State administered." Whenever a local agency advertises for bids, opens bids, and awards the contract, the project is considered "locally administered." This decision must be made at an early stage of the project, and before final agreement. Federal-aid projects must be advertised by either a local agency authorized to do so or by the State. **The State advertises local agency projects only on an exception basis, and with prior written approval from the District Director.** The written approval is accomplished through the execution of a cooperative agreement between the two agencies. State administered projects usually occur when the project is located on a State highway, and there is a mixture of several fund sources to finance the project construction. If the State agrees to administer a project, the procedures included in the Caltrans *Construction Manual*, Chapter II, Section 2-90, "Local Assistance Projects and Projects Funded by Others," will apply in lieu of the requirements of this manual.

On locally administered projects, the construction engineering is performed by local agency personnel, unless arrangements are made to hire a consultant. If a consultant is used, the local agency must still designate an employee of the agency as the person in responsible charge of the project. The only exception to this procedure is if the administering agency has hired a consultant on retainer to act as the City Engineer or Public Works Director. Then the consultant may act as the person in responsible charge of the project.

Construction engineering for "locally administered" projects shall be performed in accordance with the requirements found in Chapter 16, "Administer Construction Contract" of this manual.

Each local agency and all of its contractors, subcontractors, and vendors shall take all reasonable steps to assure that DBEs have equitable opportunity to compete for and perform contracts (see Chapter 9, “Civil Rights and Disadvantaged Business Enterprises”).

WARNING:

No project shall be advertised for bids, nor shall any project work (by contract or other than contract) be undertaken, and no materials shall be purchased on any federal-aid project, prior to issuance of “Authorization to Proceed” (FNM-76 for nonexempt projects) by Caltrans or the FHWA. Violation of this requirement shall result in the project ineligible for

Federal funding. Only one exception to this requirement can be made. It is for emergency relief projects involving emergency repair/opening of a facility. For more information on emergency relief projects see the *Local Assistance Program Guidelines*, Chapter 11, “Disaster Assistance.”

Advertising costs shall be charged to the preliminary engineering work authorization if such authorization has been requested and has been established for the purpose of federal reimbursement.

PROCEDURES

Prior to project advertisement, the administering agency shall certify that their final PS&E package complies with all applicable federal and State regulations and procedures (see Exhibit 12-A “PS&E Certification”). Local agencies should also complete and retain the “Local Agency Project Advertising Checklist” (Exhibit 15-C) in the project files prior to requesting an Authorization to Proceed. All administering agencies must submit a completed “Request for Authorization” with the PS&E Certification before they can receive verification that construction has been authorized by Caltrans.

Upon receipt of “Authorization to Proceed” for construction by Caltrans, the local agency can proceed to advertise the project.

During the advertising period, the administering agency shall notify all prospective bidders of PS&E addenda in the same manner as all other nonfederal-aid projects. For award of federal-aid contracts, the local agency is required to certify that all bidders certify receipt of all addenda. The administering agency shall ensure free and open competition. The advertisement period is determined by the administering agency. A minimum advertisement period of three weeks is recommended for all projects. **For NHS projects a minimum advertisement period of three weeks is required by the FHWA.** The advertising period begins with publication of a “Notice to Contractors” in a newspaper receiving wide local circulation. The Notice shall identify the DBE project goals. The administering agency is responsible to approve and issue all addenda to the PS&E during the advertising period.

The local agency shall assure that all updated estimates are fundable from available local or federal resources.

As soon as the project is advertised, the local agency shall furnish the DLAE with one copy of the “as advertised” plans and special provisions or two copies if structures (bridges) are involved.

15.5 CONTRACT BID OPENING

INTRODUCTION

The contract bid opening is a public forum for the announcement of all bids, and is that point in time where the bids are opened and read aloud. It is also the last moment that bids can be accepted. No bids can be accepted during or after bids are opened. Normally the advertisement/bid documents will state a final time in which bids can be accepted. For the bidder, the reading of the bids confirms whether his bid is successful. For the local agency and the general public, this forum establishes the cost to build the project. The bid opening requirements as outlined below apply to all federal-aid highway construction projects except for the “tabulation of bids requirement,” which does not apply to projects off the NHS.

REQUIREMENTS

FHWA policy requires all bids to be opened publicly and read aloud either item-by-item or by total amount. If a bid is not read, the bidder is to be identified and the reason for not reading the bid announced.

Reasons for not reading a bid include the bid itself being nonresponsive, often called “irregular,” or the bidder is determined to be unreliable. Responsive bid and responsible bidder are defined as:

- A **responsive bid** is one that meets all the requirements of the advertisement and proposal, while
- A **responsible bidder** is one who is physically organized and equipped with the financial ability to undertake and complete the contract.

Some reasons for not reading a bid due to bidding irregularities include:

- Failure to sign the bid
- Failure to furnish the required bid bond
- Failure to include a unit bid price for each item
- Failure to include a total amount for the bid
- Failure to prepare the bid in ink
- Failure to submit a completed addenda certification statement
- Failure to submit a noncollusion affidavit
- Failure to commit to the achievement of the DBE contract goals or demonstrate good faith efforts to do so
- Inclusion of conditions or qualifications not provided for in the specifications
- Submission of a materially unbalanced bid

The above examples do not include all possible bidding irregularities. The local agency’s standard specifications govern regarding what constitutes a bidding irregularity. Accordingly, the local agency’s bidding documents should clearly identify those requirements with which the bidder must comply to make the bid responsive.

Just as the bid may be rejected for being irregular or unresponsive, a bid may also be rejected on the grounds that the bidder is not a responsible bidder. A bidder may be deemed not responsible because of past unsatisfactory performance, as evidenced by failure to meet the local agency's qualification requirements, or because of State or federal suspension/debarment action. The administering agency should check to see if a contractor is suspended or debarred from federal contracts. A publication titled, *A Listing of Parties Excluded from Federal Procurement and Nonprocurement Programs* is available electronically via the internet at <http://epls.arnet.gov>.

Note: Contractor's "Debarment and Suspension Certification" is part of the "Notice to Contractors and Special Provisions" boiler plate.

In summary, a successful bid opening should identify the **responsible bidder** submitting the lowest **responsive bid**.

PROCEDURES

The administering agency shall follow its own procedures for bid opening, provided such procedures include:

- As bid proposals are received, they shall be logged in and stamped with the time and date.
- The bids shall be retained in a secure place until the designated time and place for public opening.
- All bids received in accordance with the terms of the advertisement shall be publicly opened and announced either item by item or by total amount.
- If any bid received is not read aloud, the name of the bidder and the reason for not reading the bid aloud shall be publicly announced at the bid opening.
- Negotiation with contractors, during the period following the opening of bids and before the award of the contract shall not be permitted.

If a local agency elects to prequalify contractors, the agency's prequalification procedures shall not include procedures or requirements for bonding, insurance, prequalification, qualification, or licensing of contractors, which may operate to restrict competition, to prevent submission of a bid by, or to prohibit the consideration of a bid submitted by, any responsible contractor, whether resident or nonresident of the State wherein the work is to be performed.

Prequalification of contractors may be required as a condition for submission of a bid or award of contract only if the period between the date of issuing a call for bids and the date of opening of bids affords sufficient time to enable a bidder to obtain the required prequalification rating. For further discussion on prequalification of bidders see: AASHTO publication on *Suggested Guidelines for Strengthening Bidding and Contract Procedures* (which is available in the FHWA *Contract Administration Core Curriculum*).

The agency's bidding procedures shall not discriminate against any qualified bidder regardless of political boundaries. No bidder shall be required to obtain a license before submitting a bid or before the bid is considered for award of a contract which includes federal financing; however, a State contractor's license must be obtained upon award of the contract. The local agency may also withhold payment under such contract until such time as the contractor furnishes proof of a proper license in compliance with State laws. No local agency shall bid in competition with, or enter into a subcontract with private contractors. As bid proposals are received, they shall be logged in and stamped with the time and date. The bids shall be retained in a secure place until the designated time and place for public opening.

The administering agency shall retain the following completed documents for the successful bidder in the project file:

- Bidder DBE Information (Exhibit 15-G) (not required when local agency sets zero DBE goal)
- A list of bidders and total amounts bid with an item-by-item breakdown (see Exhibit 15-D, "Sample Bid Tabulation Summary Sheet") of the three lowest bidders
- "DBE Information-Good Faith Efforts" form is to be retained in the project file if the commitment level(s) do not meet DBE goals (see Exhibit 15-H) (not required when local agency sets zero DBE goal)
- The Noncollusion Affidavit (see Chapter 12, "Plans Specifications & Estimate," Exhibit 12-E, Attachment D, "Noncollusion Affidavit")
- A Local Agency Bid Opening Checklist (Exhibit 15-I)

For NHS projects, the local agency shall submit the following to the DLAE (who will transmit it to FHWA headquarters) immediately following the bid opening:

- A letter of "Submission of Bid Tabulation" for all NHS projects (see Exhibit 15-E), (original plus 1 copy).
- A Bid Price Data (FHWA Form-45) for all federal-aid projects where the value of work on the NHS is \$500,000 or more (see Exhibit 15-F), (original plus 1 copy).

In order to ascertain the successful bidder for contracts containing DBE goals, the local agency shall evaluate the apparent low bidder's efforts to attain the DBE goals in conformance with the approved contract Special Provisions.

Where the lowest bid exceeds the engineer's estimate by an unreasonable amount as defined by established agency procedures, or where competition is considered to be poor for the size, type, and location of project, bids may be rejected unless an award of contract is justified as being in the best interest of the public. See Section 15.6, "Contract Award, Bid Analysis Process," and *FHWA Technical Advisory T 5080.4 (December 29, 1980)*, and *T 5080.6 (December 17, 1982)* for additional information regarding bid reviews. These technical advisories can be found in the appendix to the *US DOT, FHWA pub; Contract Administration Core Curriculum*.

The administering agency shall assure that all bid proposals submitted include a completed addenda certification statement. The addenda certification statement is as follows:

ADDENDA - This Proposal is submitted with respect to the changes to the contract included in addendum number/s__
(Fill in number/s if addenda have been received.)

Warning If an addendum or addenda have been issued by the administering agency and not noted above as being received by the bidder, this proposal may be rejected.

15.6 CONTRACT AWARD

INTRODUCTION

WARNING:

No project shall be advertised for bids, nor shall any project work (by contract or other than contract) be undertaken, and no materials shall be purchased on any federal-aid project, prior to issuance of “Authorization to Proceed” by Caltrans or the FHWA. Violation of this requirement shall result in the project ineligible for federal funding.

The contract award is a critical milestone for all federal-aid projects. At this point the administering agency must have a complete financial package assuring adequate funding for the project. The administering agency shall award federal-aid contracts on the basis of the lowest responsive and responsible bidder. It is the administering agency's responsibility to assure that all successful bidders are licensed contractors upon award of any contract incorporating State or federal-aid funds.

BID ANALYSIS PROCESS

The administering agency should conduct a **bid analysis** for each project. The bid analysis is required for projects on the National Highway System. The bid analysis is the process performed to justify the award or rejection of the bids and should assure that good competition and the lowest possible cost were received. A proper bid analysis better ensures that funds are being used in the most effective manner. A bid analysis also assists the agency in preparing accurate engineering estimates on future projects.

The bid analysis process is an examination of the unit bid prices for reasonable conformance with the engineer's estimated prices. Beyond the comparison of prices, other factors that a bid analysis may consider include:

- Number of bids
- Distribution or range of the bids
- Identity and geographic location of the bidders
- Urgency of the project
- Unbalancing of bids
- Current market conditions and workloads
- Potential for savings if the project is readvertised
- Comparison of bid prices with similar projects in the letting
- Justification for significant bid price differences
- Other factors as warranted

The *Contract Cost Data* publication by Caltrans, is available to assist local agencies in preparing accurate engineers estimates. This annual publication is available in electronic form on the Internet. Instructions for downloading this information are located at Internet address:

http://tresc.dot.ca.gov./office_engineer/CoCoda.html

Not all of the factors above need to be considered for bids that indicate reasonable prices or show good competition. However, when the low bid exceeds the engineer's estimate by an unreasonable amount, a more thorough analysis should be undertaken to determine if the bids should be rejected or a justification for award of the contract can be made. In order to justify award of a contract under these circumstances, the following criteria should be examined:

- Was competition good?
- Is the project essential and deferral would be contrary to public interest?
- Would readvertisement result in higher bids?
- Is there an error in the engineer's estimate?
- Is the increase within the amount programmed in the FTIP?

For NHS projects, written justification shall be included in the project file for projects where the lowest responsible bidder exceeds the engineers estimate by 10% or more. The justification should explain the reasons for the difference between the engineer's estimate and bid amount, and why it was decided to award the contract.

Regarding the adequacy of competition, the *FHWA, Technical Advisory T 5080.4* suggests that competition can be considered excellent when six or more bids are within 20% of the low bid. Location and availability of bidders should also be considered when determining adequacy of competition. Some projects may be so essential that deferral, even for 60 days, would not be in the public's interest. Examples of such projects might include:

- Safety projects to correct an extremely hazardous condition where the traveling public is in danger
- Emergency repairs or replacement of damaged facilities
- Projects to close substantial gaps in otherwise completed facilities to allow opening to traffic
- Projects that are critical to staged or phased construction and delay would significantly impact the completion of the whole project

Unbalanced bids are one of the factors to review in a bid analysis. The two types of unbalanced bids are as follows:

- A mathematically unbalanced bid is a bid that contains lump sum or unit bid items that do not reasonably reflect the actual costs (plus reasonable profit, overhead costs, and other indirect costs) to construct the item, and
- A materially unbalanced bid is a bid that generates reasonable doubt that award to that bidder would result in the lowest ultimate cost to the Government

To detect mathematical unbalancing, the unit bid items should be evaluated for reasonable conformance with the engineer's estimate and compared with the other bids received. There are no definitive parameters (e.g., an amount or percent of variance from the engineer's estimate) that constitutes an unbalanced bid. The degree of unbalancing of a bid may depend on the reason for the unbalancing. Mathematically unbalanced bids, although not desirable, may be acceptable.

The determination of mathematically unbalanced bids may be aided by the use of one of the several computer software packages now available. However, the final decision should not preclude the use of engineering judgment. Care must also be exercised to ensure that unit bids for mobilization do not mask unbalancing. Also, "token bids" (i.e., bids with large variations from the engineer's estimate) should be considered as mathematically unbalanced bids and further evaluation and other appropriate steps should be taken to protect the public interest.

There may be situations where the quantity of an item could vary due to inaccuracies in the estimating, errors in the plans, changes in site conditions or design, etc. In such situations, the bids should be further evaluated to determine if the low bidder will ultimately yield the lowest cost. If unbalancing creates reasonable doubt that award would result in the lowest ultimate cost, the bid is materially unbalanced and should be rejected or other steps should be taken to protect the public interest.

AWARD PROCEDURES

The administering agency shall follow its normal procedures for award of the project and is delegated the authority to determine the lowest responsive/responsible bidder without concurrence to award by Caltrans or the FHWA. Written justification shall be included in the project file for all projects that are not awarded to the lowest bidder, including evaluation of good faith efforts. The administering agency shall follow its normal procedures for award of the contract and assure that all federal requirements are followed. A bid analysis is not a requirement but is recommended. The administering agency shall retain the executed contract, document the award date, and the Preconstruction conference minutes. The State shall not participate in resolving disputes between the administering agency and its bidders.

It is the responsibility of the administering agency to verify with the DLAE and RTPA/MPO that the appropriate amount of federal funds are authorized before the project is awarded.

POST-AWARD REVIEWS

The administering agency should conduct post-award bid evaluations to assure against bid rigging. An adequate number of projects awarded over a sufficient time period should be evaluated. A period of approximately 5 years should be selected for an initial evaluation to determine if any abnormal competitive bid patterns exist. The following information should be considered in a post-award review for abnormal bid patterns:

- Number of contract awards to a specific firm
- Project bid tabulations
- Firms that submitted a bid and later become a subcontractor on the same project

- Rotation of firms being the successful bidder
- Consistent percentage differential in the bids
- Consistent percentage of the available work in a geographic area to one firm or to several firms over a period of time
- Consistent percentage differential between the successful bid and the engineer's estimate
- Location of the successful bidder's plant versus location of the other bidders' plants
- Variations in unit bid prices submitted by a bidder on different projects in the same bid opening
- Type of work involved
- Number of plans and proposal taken out versus the number of bids submitted
- Any other items that indicate noncompetitive bidding
- On readvertised projects, if the eventual successful bidder was also low bidder on the first letting

TERMINATION OF CONTRACTS

- (a) All NHS contracts exceeding \$10,000 shall contain suitable provisions for termination by the administering agency, including the manner by which the termination will be effected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.
- (b) Prior to termination of a federal-aid contract that is not exempt from FHWA oversight, the administering agency shall consult with and receive the concurrence of the Caltrans DLAE. In addition, for all other federal-aid contracts the administering agency shall notify the DLAE of the termination. The extent of federal-aid participation in contract termination costs, including final settlement, depends on the merits of the individual case. However, under no circumstances shall federal funds participate in anticipated profit on work not performed.
- (c) Except as provided for in paragraph (e) of this section, normal local agency federal-aid plans, specifications, estimates, advertising, and award procedures are to be followed when an administering agency awards the contract for completion of a terminated federal-aid contract.
- (d) When an administering agency awards the contract for completion of a federal-aid contract previously terminated for default, the construction amount eligible for federal participation on the project should not exceed whichever amount is the lesser, either:

- (1) The amount representing the payments made under the original contract plus payments made under the new contract; or
 - (2) The amount representing what the cost would have been if the construction had been completed as contemplated by the plans and specifications under the original contract.
- (e) If the surety awards a contract for completion of a defaulted federal-aid contract or completes it by some other acceptable means, the FHWA considers the terms of the original contract in effect and that the work be completed in accordance with the approved plans and specifications included therein. No further FHWA approval or concurrence action is therefore needed in connection with any defaulted federal-aid contract awarded by a surety. Under this procedure, the construction amount eligible for federal participation on the project should not exceed the amount representing what the cost would have been if the construction had been completed as contemplated by the plans and specifications under the original contract.

15.7 AWARD PACKAGE

The administering agency shall complete and forward the following information as **one** package to the DLAE immediately after award of the contract and prior to submitting the first invoice of the construction phase:

- The Local Agency Contract Award Checklist (see Exhibit 15-L)
- Detail Estimate (see Exhibit 15-M)
- Finance Letter (see Exhibit 15-N)
- Resident Engineer's Construction Contract Administration Checklist (see Exhibit 15-B)

The purpose of the Local Agency Award Checklist is to minimize delays in processing payments for federal-aid projects. If the award amount is more, or significantly less than the amount estimated at the time of authorization, the administering agency should submit a revised E-76 and revised finance letter to the DLAE along with the above package.

A "Detail Estimate" (see Exhibit 15-M) and "Finance Letter" (see Exhibit 15-N) must be prepared outlining all project costs by work type code. For further information on the work type code see Chapter 3, "Project Authorization," Exhibit 3-G, and Exhibit 3-H (Item #38). From the information contained in the Detail Estimate, Local Assistance Program will prepare a revised Authorization to Proceed (E-76) which automatically updates the funding agreement between Caltrans and FHWA. If the award amount is more, or significantly less than the amount estimated at the time of authorization, the administering agency should submit a revised E-76 and revised Finance Letter to the DLAE along with the Award Package.

NOTE: If the amount of federal funds obligated and agreed to in the E-76 "Authorization to Proceed" is less than the full pro-rata share, the federal reimbursement ratio used in the Detail Estimate and subsequent progress invoices will be held at the ratio of federal funds to total project funds authorized in the E-76. That ratio may be increased in the final Detail Estimate and final invoice, up to the full pro-rata share to utilize the full amount of federal funds authorized.

The local agency and State personnel involved shall ensure timely processing of the master agreement, program supplement, detail estimate, and finance letter. The local agency is responsible for ensuring that the various forms are complete and accurate.

If at any time during construction, the project cost is expected to overrun, the administering agency must submit a Revised Detail Estimate **along with a request for modification of the Authorization to Proceed E-76**, and a revised finance letter. The Revised Detail Estimate should include the effects of all change orders and anticipated changed work through the end of the contract. This is to avoid future revisions.

It is the administering agencies responsibility to ensure that there are enough federal-aid funds programmed by their MPO/RTPA (STP, TEA, or CMAQ) or Caltrans (HES, HBRR, ER, and RRX), to cover an increase due to a revised detail estimate. If additional federal funds are required, the local agency must obtain written approval from the MPO/RTPA or Caltrans prior to submitting a Revised Detail Estimate.

The resident engineer assigned to the project shall complete and sign the Resident Engineer's Construction Contract Administration Checklist. The purpose of this checklist is to assure that the resident engineer is familiar with the federal requirements before the project starts. Deficiencies in contract administration procedures discovered by process reviews are difficult to correct "after the fact." If the project has proceeded to the point that a deficiency cannot be corrected, federal and/or State funds may be withdrawn.

The DLAE shall perform a review of these documents for correct format and obvious errors and/or omissions. Complete and accurate documents will be forwarded to the OLP. The master agreement and program supplement must be executed prior to reimbursement. Invoices from the administering agency for the construction phase will be processed for reimbursement only after the project award information is submitted.

15.8 REFERENCES

23 USC 112
23 USC 114(a)
23 CFR 635
23 CFR part 40
23 CFR 630 Subpart C
49 CFR 23
California Public Contract Code, Chapter 6, Section 6100
California Public Contract Code Section 7106
FHWA TA T 5080.4, *Preparing Engineer's Estimate and Reviewing Bids* - 1980
FHWA TA T 5080.6 *Guidelines on Contract Procedures with Emphasis on Bid Reviews and Evaluation* - 1982
DOT, FHWA 1997 *Contract Administration Core Curriculum*
FHWA *Final Report Process Review on Competition in Bidding and Engineer's Estimate Review* - 1991
US DOT/US Dept. of Justice, *Suggestions for the Detection and Prevention of Construction Contract Bid Rigging* - 1983
AASHTO *Suggested Guidelines for Strengthening Bidding and Contract Procedures* - 1981

LOCAL AGENCY CONSTRUCTION CONTRACT ADMINISTRATION CHECKLIST

Local Agency _____

I ADVERTISE AND AWARD PROJECT

A. Project Advertisement

- ☐ Projects are not advertised until the Authorization to Proceed (E-76) for the construction phase has been approved by Caltrans (or the FHWA for nonexempt projects).
- ☐ For NHS projects, a minimum of three weeks for project advertisement (15.4 "Project Advertisement").

B. Contract Bid Opening

- ☐ All bids are opened publicly and read aloud either item-by-item, or by total amount. If a bid is not read, the bidder is to be identified and the reason for not reading the bid announced (15.5 "Contract Bid Opening")

The following documents will be completed and retained in the project files.

- ☐ For NHS Projects, a list of bidders and total amount bid with an item-by-item breakdown (Exhibit 15-D, "Sample Bid Tabulation Summary Sheet") of the three lowest bidders.
- ☐ Local Agency-Bidder DBE Information Sheet (Exhibit 15-G) if a DBE goal is specified.
- ☐ Bidders' list to be compiled from prime and subcontractors bidding or quoting on contract.
- ☐ EEO Certification (Exhibit 12-E, Attachment C), The Noncollusion Affidavit (Exhibit 12-E, Attachment D), Non-Lobbying Certification (Exhibit 12-E, Attachment F), Disclosure of Lobbying Activities (Exhibit 12-E, Attachment G)
- ☐ Local Agency Bid Opening Checklist (Exhibit 15-I)

C. Contract Award

- ☐ Contracts are awarded on the basis of the lowest responsive bid from a responsible bidder (15.6 "Contract Award").
- ☐ For all NHS projects, a bid analysis will be performed (15.6 "Contract Award").
- ☐ No negotiations with contractor occurred prior to award (not allowed)

The following documents will be forwarded to the Caltrans District Local Assistance Engineer immediately after award of the contract:

- ☐ Contract Award Checklist (Exhibit 15-L)

Distribution: Local Agency Project File

- ☐ Detail Estimate (Exhibit 15-M)
- ☐ Finance Letter
- ☐ RE's Checklist

D. Subcontracting

- ☐ For all NHS projects, at least 30% of the contract work is to be performed by the prime contractor (see Chapter 16, Section 16.6 "Subcontractors")

Local agency's person in "Responsible Charge"

(date)

**RESIDENT ENGINEER'S CONSTRUCTION CONTRACT
ADMINISTRATION CHECKLIST**

This form is to be completed and signed by the local agency's Resident Engineer, and submitted with Local agency's Award Package

This form was created to help local agency Resident Engineers with the administration of the federal-aid projects. This list does not contain all the Federal-aid requirements for administration of federal-aid projects. Resident Engineers are advised to review the *Local Assistance Procedures Manual* to be familiar with all the federal-aid requirements.

This form shall be used as reference if the local agency's federal-aid project is subject to a Process Review.

Local Agency Name _____

Federal-aid Project No. _____

1. Contract Staffing:☐

Names and titles of all staff assigned to the contract shall be in the contract files and shall be adequate (see Chapter 16, Section 16.3 "Project Supervision and Inspection").

☐

Date of Preconstruction Conference (Attendees list in contract file) _____

2. Authorization:☐

Date of the "Authorization to Proceed with Construction" _____
(Shall be prior to date project was advertised)

☐

Date the project was advertised _____

3. Contract Files:☐

Files shall be in an established order and separate from other contracts (see Chapter 16, Section 16.8 "Project Files").

Check one of the following: Index used on this project is ☐ Local agency's standard for all jobs, or
☐ For federal-aid jobs only.

4. Resident Engineer's/Construction Inspectors Daily Diaries:☐

Shall be current, thorough and neat with detailed information on all work performed (see Chapter 16, Section 16.7 "Engineer's Daily Reports").

5. Construction Records and Accounting Procedures:☐

Detail Estimate(s) and Finance Letter(s) are in the project files.

☐

Amount of federal-aid funds encumbered for the project, _____

☐

Program Supplemental Agreement is in the project files.

Distribution: 1. Local Agency Project File 2. DLAE (please put on first page only)

- ☐ There shall be source documents supporting progress payments made to contractor.
- ☐ There shall be separate item sheets for each contract item paid.
- ☐ There shall be a procedure for Administrative or Labor Compliance deductions.
- ☐ Invoices to the State shall match progress payments made to the contractor.
- 6. Contract Time:**
 - ☐ A method shall be established to determine contract time (see Chapter 16, Section 16.5 “Contract Time”).
- 7. Labor Compliance:**
 - ☐ Certified payrolls shall be spot-checked against daily diaries and prevailing wages (see Chapter 16, Section 16.11 “Labor Compliance”).
Local agency’s Labor Compliance Officer, _____
- 8. EEO:**
 - ☐ Maintain records to ensure EEO requirements are performed and documented in contract record (see Chapter 16, Section 16.12 “Equal Employment Opportunity”).

Local agency’s EEO Compliance Officer, _____
- 9. EEO/Wage Rate/False Statements Posters:**
 - ☐ Federal posters shall be posted for every worker to see at, or near, the contractor’s office at the construction site or at the workers central gathering point.
- 10. Employee Interviews:**
 - ☐ There shall be employee interviews conducted (see Chapter 16, Exhibit 16-N).
- 11. OJT:**
 - ☐ Are OJT requirements included in the contract, yes ☐ no ☐.
 - ☐ If yes, documentation will be retained in project files to account for the apprentices on the job.
- 12. DBE: (*These items only required if a DBE contract goal is specified)**
 - ☐ Local agency’s Annual Goal, _____
 - ☐ Local agency’s DBE Liaison Officer, _____
 - ☐ *Contractor’s completed Local Agency Bidder-DBE-Information Form (Exhibit 15-G) in project files.
 - ☐ *Contract DBE goal, _____
 - ☐ *Contractor’s DBE goal, _____
(If the contractor’s goal is less than the contract goal, the contractor’s completed DBE Information-Good Faith Efforts Form (Exhibit 15-H) is in the project files.)
 - ☐ *Local agency shall check payrolls and diaries, and conduct interviews for DBE goal compliance.
 - ☐ *Contractor has been provided “Monthly DBE Trucking Verification” Form (see Chapter 16, Exhibit 16-Z)

13. CCOs/CLAIMs:

- ☐ A CCO approval process shall be established. For NHS projects, major change orders will be approved by DLAW prior to performance of work (see Chapter 16, Section 16.13 “Contract Change Orders”).
- ☐ There shall be a list of the approved CCOs.
- ☐ All CCOs shall note federal-aid eligibility or not.
- ☐ **Pending claims to be identified and documentation in contract file**

14. Traffic Safety in Highway and Street Work Zones:

- ☐ Traffic Control Plan (TCP)/Traffic Management Plan (TMP) in the PS&E? yes ☐, no ☐,
(see Chapter 16, Section 16.6 “Traffic Safety in Highway and Street Work Zones”)
Comments:

Responsible Person _____ (if not the RE)

- ☐ Local Agency shall field review the project to see that the TCP agrees with the actual conditions.
- ☐ Local Agency shall be analyzing construction work site accidents for the purpose of correcting deficiencies which might be found to exist on this project projects and to improve the content of future TCPs.

15. Materials Files:

- ☐ The Quality Assurance Program (QAP) is in the project files (see Chapter 16, Section 16.14 “Quality Assurance Program”).
- ☐ There shall be procedures for and filing of: (if appropriate)
 - Notice of Materials to be used.
 - Certifications of Compliance.
 - “Buy America” Requirements
- ☐ Acceptance Sampling and Testing Reports shall be in the files.
- ☐ There shall be a “Summary Log” of tests.
- ☐ Frequency tables shall be used.
- ☐ Failed tests shall be documented in the files with cross references to re-tests.
- ☐ Resident Engineer shall review all test reports.

16. Environmental

- ☐ The Environmental document is in the project files.
- ☐ The construction project shall adhere to the mitigation requirements in the Environmental document.

17. For Projects on the State Highway System

- ☐ A Caltrans Encroachment Permit has been issued.
- ☐ Local Agency shall comply with State's Representative's oversight requirements.

Local agency's Resident Engineer
agency employee or Consultant,
(Consultants on retainer are considered
Local agency employees)

Local agency's person in "Responsible (Local)
Charge" if Resident Engineer is a Consultant.

Date: _____

LOCAL AGENCY PROJECT ADVERTISING CHECKLISTProject : _____
DIST-----CO-----RTE-----PM-----Agency

Federal Project # _____

Location: _____

Limits: _____

	<u>YES</u>	<u>NO</u>	<u>NOT APPLICABLE</u>
PS&E Review	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are the following complete?			
Environmental measures incorporated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Right of Way Certification.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Design	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Traffic (Electrical/Signing/Striping)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Materials	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Landscaping	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hydraulics	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Permits	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bridge Plans	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are all encroachments permits obtained?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are design exceptions approved?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is material testing and sampling arranged?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DBE program approved?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is there force account work for this project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is agency furnished material approved?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are the federal funds for construction authorized ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has a fund allocation been approved by the California Transportation Commission (if required)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Have a complete set of Plans and Special Provisions been sent to the Caltrans District Local Assistance Engineer (two copies if structures (bridges) are involved)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
How long is the advertisement period? _____			

Reviewed by: _____
(Name of Local Agency Representative)

Title: _____

Date: _____

Distribution: Local Agency Project File

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Project Information:	_____
	DIST-----CO-----RTE-----PM-----Agency
Federal Project Number:	_____
Location:	_____
Limits:	_____

[illegible]

LPP 01-04 Page 15-25
March 15, 2001

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NATIONAL HIGHWAY SYSTEM BID TABULATION DATA

TO: Federal Highway Administration
Interstate & Program Support Branch (HNG-13)
400 Seventh Street, SW
Washington, DC 20590

Date _____

FROM: _____

SUBJECT: Submission of Bid Tabulation Data

Attached is the following data for the recently awarded Federal-aid highway construction project:

State _____ FIPS County Code(s) _____

Federal-aid Project # (s) _____

Contractor's Name _____

Contractor's City/State _____

Low Bid Amount \$ _____ Award Date (M/D/Y) _____

2nd Low Bid Amount \$ _____ 3rd Low Bid Amount \$ _____

Number of Bidders _____ Engineer's Estimate \$ _____

Project Length _____ Miles/Kilometers
(Indicate which and report to nearest 0.1)

FMIS Predominant Type Code (s) _____

Estimate Completion Date (Mo./Yr.) _____

Is Contract a Joint Venture (yes/no) _____

If Yes, List Name/City/State of Other Contractor(s)

Local Agency Contact Person _____ Telephone # _____

Form FHWA-45 is attached for projects
on the NHS greater than \$500,000.

All federal-aid contracts on the National Highway System (including the Interstate System) are to be reported regardless of size or type of federal-aid funding. Projects off the National Highway System are not to be reported. When several projects are combined into a single contract, all data should be combined and reported on a single transmittal sheet. Please direct questions to the Interstate and Program Support Branch (HNG-13), Telephone (202) 366-4636.

Distribution for NHS projects: (1) Original-Caltrans DLAE, (2) Copy - Local Agency Project File
Distribution for Non-NHS projects: Not Required

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OMB NO. 2125-0010

BID PRICE DATA																	
NOTE: Transmit only original to the Washington Headquarters, Federal-aid & Design Division, DO NOT WRITE IN SHADED AREAS																	
ATTN.: HNG-13																	
1 3		4 7		8 10		11 14		STATE					15 ALL				
COUNTY				FEDERAL PROJECT NO.				URBAN () RURAL ()		DATE OF AWARD							
ROADWAY		20 21		30		Code Types			ROADWAY AND BRIDGE					C A R D 1			
Contract Amount		1 \$															
BRIDGE		41 42		51		52		54		55		63					
Contract Amount		2 \$												2			
TOTAL CONTRACT AMOUNT		\$															
NUMBER OF UNITS		UNIT		ITEM						UNIT PRICE		TOTAL COST		C A R D 3 1			
										Dollars Cents		(Dollars)					
		C.Y.		111 Common Roadway Excavation													
		C.Y.		131 Unclassified Roadway Excavation ¹													
		LB.		421 Structural Reinforcement													
		LB.		431 Structural steel													
		TON		775 Bituminous concrete surfaces ²													
		S.Y.		781 Port. cem. conc. surfaces Inches ³													
		C.Y.		900 Structural concrete ³													
16		25		26		31		32		42							
PRICE ADJUSTMENTS				UNIT PRICE						Prepared by: _____ Title: _____ Date: _____							
PCC PAVEMENTS AND				Per Square Yard													
STRUCTURAL CONCRETE				Per Cubic Yard													
				781		781		781						900		900	
Unit bid price																	
Steel, not bid separately (Subtract)																	
Longitudinal joints (Subtract)																	
Transverse joints (Subtract)																	
Fine finishing of subgrade (Add)																	
Cement or aggregates bid separately (Add)																	
3 ADJUSTED PRICE																	
REMARKS (Use reverse side if more space is needed.)																	
¹ Unclassified Roadway Excavation (Item 131) when reported: _____ Percent Rock Estimated Price of Rock _____ per cubic yard																	
² When aggregate and bituminous material are bid separately, combine quantities and total costs. In converting gallons to tons, 235 gallons per ton may be used. When bituminous material is bid in addition to the bid for mix, report weight of mix only, and the combined total costs.																	

Form FHWA-45 (Rev. 11-91) PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE
 This form was electronically produced by Elite Federal Forms, Inc.

Distribution for Projects on the NHS \$500,000 or more: (1) Original-Caltrans DLAE, (2) Copy - Local Agency Project File
 Distribution for All other projects: None

Instructions for completing FHWA Form 45 can be found on the internet at the following address:

<http://www.fhwa.dot.gov/legsregs/directives/fapg/g601110.htm>

LOCAL AGENCY BIDDER-DBE-INFORMATION

This information may be submitted with your bid proposal. If it is not, and you are the apparent low bidder or the second or third low bidder, it must be submitted and received as specified in the Special Provisions. Failure to submit the required DBE information will be grounds for finding the proposal nonresponsive.

CO.-RTE.-K.P.: _____**CONTRACT NO.:** _____**FEDERAL-AID PROJECT NO.:** _____**BID AMOUNT: \$** _____**BID OPENING DATE:** _____**BIDDER'S NAME:** _____**DBE GOAL FROM CONTRACT:** _____

CONTRACT ITEM NO.	ITEM OF WORK AND DESCRIPTION OR SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED ²	DBE CERT. NO.	NAME OF DBEs ¹ (Must be certified on the date bids are opened - include DBE address and phone number)	DOLLAR AMOUNT DBE ³
IMPORTANT: Identify all DBE firms being claimed for credit, regardless of tier. Copies of the DBE quotes are required. Names of the First Tier DBE Subcontractors and their respective item(s) of work listed above shall be consistent with the names and items of work in the "List of Subcontractors" submitted with your bid pursuant to the Subcontractors Listing Law and the Special Provisions. 1. DBE prime contractors shall enter their DBE certification number. DBE prime contractors shall indicate all work to be performed by DBEs including work performed by its own forces. 2. If 100% of item is not to be performed or furnished by DBE, describe exact portion of item to be performed or furnished by DBE. 3. See Section "Disadvantaged Business Enterprises," of the Special Provisions to determine the credit allowed for DBE firms.			Total Claimed Participation	\$ _____ _____ %
			Signature of Bidder _____ Date _____ (Area Code) Tel. No. _____ Person to Contact _____ (Please Type or Print)	

CT Bidder - DBE Information (Rev02-07-01)

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DBE INFORMATION—GOOD FAITH EFFORTS

Federal-aid Project No. _____ Bid Opening Date _____

The _____ (City/County of) _____ established a Disadvantaged Business Enterprise (DBE) goal of _____% for this project. The information provided herein shows that a good faith effort was made.

- A. The names and dates of each publication in which a request for DBE participation for this project was placed by the bidder (please attach copies of advertisements or proofs of publication):

Publications	Dates of Advertisement

- B. The names and dates of written notices sent to certified DBEs soliciting bids for this project and the dates and methods used for following up initial solicitations to determine with certainty whether the DBEs were interested (please attach copies of solicitations, telephone records, fax confirmations, etc.):

Names of DBEs Solicited	Date of Initial Solicitation	Follow Up Methods and Dates

- C. The items of work which the bidder made available to DBE firms, including, where appropriate, any breaking down of the contract work items (including those items normally performed by the bidder with its own forces) into economically feasible units to facilitate DBE participation. It is the bidder's responsibility to demonstrate that sufficient work to facilitate DBE participation was made available to DBE firms.

Items of Work	Breakdown of Items

- D. The names, addresses and phone numbers of rejected DBE firms, the reasons for the bidder's rejection of the DBEs, and the firms selected for that work (please attach copies of quotes from the firms involved):

Names, addresses and phone numbers of rejected DBEs and the reasons for the bidder's rejection of the DBEs:

Names, addresses and phone numbers of firms selected for the work above:

- E. Efforts made to assist interested DBEs in obtaining bonding, lines of credit or insurance, and any technical assistance or information related to the plans, specifications and requirements for the work which was provided to DBEs:

- F. Efforts made to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services, excluding supplies and equipment the DBE subcontractor purchases or leases from the prime contractor or its affiliate:

- G. The names of agencies, organizations or groups contacted to provide assistance in contacting, recruiting and using DBE firms (please attach copies of requests to agencies and any responses received, i.e., lists, Internet page download, etc.):

Name of Agency/Organization	Method/Date of Contact	Results

- H. Any additional data to support a demonstration of good faith efforts (use additional sheets if necessary):

LOCAL AGENCY BID OPENING CHECKLIST

Project Information: _____

DIST-----CO-----RTE-----PM-----Agency

Federal Project Number: _____

Location: _____

Limits: _____

Bid opening date and time _____

Bid opening by _____

Name: _____

Bids publicly opened and read aloud? _____

(Yes/No)

Addenda certified by _____

Advertisement date _____

Engineers Estimate Compared? _____

(Yes/No)

Low Bidder Name _____

Amount _____

Number of Bidders _____

Bid irregularities? _____

(Yes/No)

Noncollusion affidavit included (Exhibit 12-E, Attachment D)? _____

(Yes/No)

Low Bid signed? _____

(Yes/No)

Low Bid prepared in ink? _____

(Yes/No)

Bidder DBE information included (Exhibit 15-G) _____

(Yes/No)

All Addenda certified by all bidders? _____

(Yes/No)

Reviewed by: _____

(Name of Local Agency Representative)

Title: _____

Date: _____

Distribution for Exempt projects: Optional

Distribution for Nonexempt projects: (1) Original - Local Agency Project File

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LOCAL AGENCY CONTRACT AWARD CHECKLIST

Project Sponsor: _____

Federal-aid project #: _____

Location: _____
DIST-----CO------(Road/Street or RTE)-----PM-----AgencyLimits: _____
(Physical limits reference postmiles or intersections)

Has Caltrans issued an "Authorization to Proceed" in writing with federal funds included for construction? and is the amount correct?	(yes/no)
Copy of engineers estimate:.....	to be attached
Is material testing and sampling arranged?	(yes/no)
Copy of low bidder's proposal:	to be attached
Low Bid signed in ink?	(yes/no)
Is a Good Faith Effort Statement of DBE Participation included in the low bidders proposal? Only required if DBE goal not achieved.	(yes/no/or not applicable)
Is the Noncollusion Affidavit (Chapter 12, "PS&E," Exhibit 12-F) signed and included in the low bidders proposal?	(yes/no)
Is the Bid summary (itemized bids for 3 lowest bidders) complete?.....	(yes/no)
Addendum procedures adhered to?.....	(yes/no)
TIP information, Authorized amount.....	\$ amount
Include TIP page number or amendment number here:.....	
Bid opening procedures were adhered to?:.....	(yes/no)
Date OLP's Federal Wage Rate website was checked for updates	date
Date of bid opening	date
Date of award:.....	date
Amount of award:	\$ amount
Detail Estimate (Exhibit 15-M):	to be attached
Finance Letter (Exhibit 15-N):	to be attached
Resident Engineer's Construction Contract Administration Checklist	to be attached
Is successful bidder licensed?.....	(yes/no)

Reviewed by: _____
(Signature of local agency Representative)_____
(Name printed or typed)

Title: _____

Date: _____

Phone Number: _____

NOTE: If the answer is no to any of the above questions, a letter of explanation is required. The DLAE shall review the explanation and determine if the local agency is eligible for federal funds.

Distribution: All NHS Projects: (1) Original + 1 copy-Caltrans District Local Assistance Engineer . (2) Copy-Local Agency Project File

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DETAIL ESTIMATE

File: _____
 Federal Project No.: _____
 Project Location: _____
 Date: _____

To be used as a basis of agreement for Federal-aid Project #(1) _____
 in the City/County of(2) _____

Construction Authorization Date:(3) _____, 199 _____

Type: (4) _____

Preliminary Engineering (Authorization Date:(5) _____, 199 _____

Right of way (Acquisition Authorization Date:(6) _____, 199 _____

Acquisition (No. Parcels _____) \$ _____

RAP

(number homes _____) \$ _____

(number businesses _____) \$ _____

LRH (Parcel No. Name _____) \$ _____

TOTAL COST \$(7) _____

Utilities (Authorization Date:(8) _____, 199 _____

Total Cost \$ _____

Work Type Code: (9) _____

Length(10) _____ (kilometers)

Item Estimate (11)

Item No.	Item Description	Unit	Quantity	Unit Price	Amount
1	Item Description	Unit	Quantity	Unit Price	\$
2	Item Description	Unit	Quantity	Unit Price	\$
3	Item Description	Unit	Quantity	Unit Price	\$
”	”	”	”	”	”
”	”	”	”	”	”

Subtotal Contract Items \$ _____

Agency/State Furnished Materials \$(12) _____

Force Account (Day Labor) - striping, etc. \$ _____

Total \$ _____

Contingencies (Including supplemental work) \$(13) _____

Contract Total \$ _____

Construction Engineering \$(14) _____

TOTAL COST \$ _____

Distribution All Projects: (1) Original + 4 copies-Caltrans District Local Assistance Engineer. (2) Copy-Local Agency Project File

**DETAIL ESTIMATE
SUMMARY (15)**

	Total Cost	Participating Cost	Federal Funds	Other Funds
Preliminary Engineering	\$ _____	\$ _____	\$ _____	\$ _____
Right of way	\$ _____	\$ _____	\$ _____	\$ _____
Construction: <u>Work type</u>				
Code _____	\$ _____	\$ _____	\$ _____	\$ _____
Code _____	\$ _____	\$ _____	\$ _____	\$ _____
Construction Engineering :	\$ _____	\$ _____	\$ _____	\$ _____
Total Cost	\$ _____	\$ _____	\$ _____	\$ _____

Contract Items Participating = \$(16) = _____ %

Contract Items nonparticipating = \$ _____ = _____ %

Total = \$ _____ = 100.00 %

* Reimbursement Ratio: (17) _____ %

Appropriation Code(s) (18)

Name/Date Prepared _____

* Reimbursement ratios may vary within each phase of work such as Emergency Relief PE for Emergency Repair (100%) and PE for restoration (88.53%). In these cases, the detailed estimate shall include two separate lines of preliminary engineering.

DETAIL ESTIMATE INSTRUCTIONS

1. File
 - fill in project identification
example: Dist-County-Rte-City: 07-LA-0-LA
 - Federal-aid Project #: STPL-5006(023)
 - Federal-aid Program: Surface Transportation Program, population > 200,000
2. Project Location
 - Fairly detailed (list intersections or project limits, etc.) Should agree with Authorization to Proceed
3. Construction Authorization Date
 - FHWA/Caltrans authorization date on the Authorization to Proceed
4. Type
 - General type of work (signalization, widening, construct four-lane divided street, etc.) Chapter 3 “Project Authorization,” Exhibit 3-F-(Item 38)
5. P.E. Authorization
 - FHWA/Caltrans authorization date on the Authorization to Proceed
6. Right of way Authorization
 - FHWA/Caltrans authorization date on the Authorization to Proceed
7. Right of way Costs
 - Total for project
8. Utility Authorization
 - FHWA/Caltrans authorization date on the Authorization to Proceed
9. Work Type Code
 - Determine the major roadway improvement work type Y codes or structure section codes from Chapter 3 “Project Authorization,” Exhibit 3-F-(Item 38) and place all work incidental thereto under this general code, except the following work which requires separated coding:
 - Each structure (X codes from: Chapter 3 “Project Authorization,” Exhibit 3-F-(Item 38)
 - Utilities as construction item (Code Y060)
 - Utilities as right of way items (Code ROWA)
 - Landscaping - other than erosion control (Code Y003)
 - Major work performed as part of an outside agreement (i.e., sewers, railroad grad-crossing protective devices - Y codes from Chapter 3 “Project Authorization,” Exhibit 3-F-(Item 38)
 - Trainees Y080
 - Some examples of work type codes are:
 - Traffic Signals -Y031
 - Channelization -Y008
 - Widening Roadwork -I000 (Bituminous Concrete)
 - J000 (Portland Cement Concrete)
 - Bridges -X231 (Highway over Highway, Steel Girder)
 - Trainees -Y080
10. Length
 - Length in kilometers (to nearest 0.1) is required for roadway codes and for bridge codes
 - Measured along center line

- Not required for “Miscellaneous” codes

11. Item Estimate

- List Each bid item per sample format
- Separate by “work type code” as noted above in item # 9. (should be same as preliminary estimate)
- Place nonparticipation work directly following participating work of similar codes
- Separate as “not part of Federal-aid Project” that work which is beyond project limits of federal participation but is being done under the same contract

12. State/Agency Furnished Materials

- List each item and cost of all items or expenses that are to be furnished by other than contractor
- Should agree with items listed in Special Provisions and Plans

13. Contingencies

- Generally 5% to 10%
- FHWA does not want supplemental work segregated from contingencies
- If large amount of supplemental work, 10% may be exceeded, but contingencies should always be at least 5%
- Separate for each code, etc.

14. Construction Engineering

- Separate for each code, etc.
- Indicate staking, construction trailer, etc., if claimed for reimbursement

15. Detail Estimate Summary

- Summary generally broken down only between P.E., Construction, and Right of way
- Work Type Codes and nonparticipating involved, must be outlined in summary
- Calculate P.E., Construction (by code) and Right of way separately at appropriate reimbursement ratio
- Federal funds share of phase cannot be more than the fund reimbursement ratio times the participating costs. (Always round down to the nearest dollar).

16. Federal Participation Calculation

- Use contract items only

17. Reimbursement Ratio (Federal) (See list in Chapter 3, “Project Authorization”)

- Use current ratio
- Project ratio if under funded

18. Appropriation Code(s) (Federal)

- Appropriation code applicable to the program involved (see list in Chapter 3, “Project Authorization”)

19. Revised Detail Estimate or Modification

- Required when federal funds are to be changed from what was previously under agreement
- Changes can be accomplished by updating item costs, supplemental work, contingencies, etc.
- Change Title to “Revised Detail Estimate.”
- Must remain consistent with FTIP/FSTIP rules
- Wording to be changed in Item 2 by adding “To be used as basis for modification of agreement for federal-aid project.....”
- Remaining instructions are unchanged
- OLP will provide FHWA with two original PR-2A’s upon receipt from the DLAE of a Revised Detail Estimate and Revised Finance Letter

FINANCE LETTER

DEPARTMENT OF TRANSPORTATION
ACCOUNTING SERVICE CENTER
LOCAL PROGRAM ACCOUNTING BRANCH

Date: _____
Agency: _____
Project No.: _____
EA No.: _____

Attention.: _____

	TOTAL COST OF WORK	TOTAL PARTICIPATING COST	FEDERAL FUNDS (Fed-Aid code: _____)	LOCAL FUNDS	OTHER FUNDS Type:	OTHER FUNDS Type:
Agency Preliminary Engineering						
State Furnished Preliminary Engineering						
Overhead at _____%						
R/W Engineering & Administration Costs						
R/W Purchase Costs						
Relocation Assistance (SJ 3A055)						
Contract Items _____						
Utilities _____						
Contingencies _____						
Trainees _____						
Agency Furn. Mat. _____						
Contract Total _____						
Agency Construction Engineering						
State Furn. Construction Engineering						
Overhead at _____%						
State Furnished Materials Testing						
Overhead at _____% EA No. _____						
Force Account (Day Labor) - striping, etc.						
TOTAL:						

Federal Participation: _____%

Signature: _____

Questions regarding this finance letter should be directed to:

Printed name: _____

Reimbursement. Ratio: _____%

Title: _____

Telephone number: _____

REMARKS:

Distribution All Projects: (1) Original + 4 copies-Caltrans District Local Assistance Engineer. (2) Copy-Local Agency Project File

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